



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 2260-02
25 September 2002

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 September 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 15 June 1979 at the age of 25. On 19 March 1980 you received nonjudicial punishment (NJP) for a failure to report an offense and were awarded restriction for 30 days, a \$500 forfeiture of pay, and a suspended reduction in paygrade.

On 20 July and 24 August 1981 you received NJP for wrongful purchase of tax free items for resale, wrongful possession of two identification cards, breaking restriction, and 17 periods of absence from your appointed place of duty.

On 8 July and again on 5 August 1982 you received NJP for six periods of absence from your appointed place of duty. Subsequently, you were notified that administrative separation action had been initiated by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 9 August 1982 your commanding officer recommended discharge

under other than honorable conditions by reason of misconduct. On 17 August 1982 the discharge authority directed discharge under other than honorable conditions, and on 21 September 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your punishment was disproportionate to your characterization of service and narrative reason for discharge. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive disciplinary actions. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director